

**Maryland Board of Pharmacy
Public Board Meeting
(REVISED) March 16, 2005**

Attendance

Officers Present: Melvin Rubin, President; Raymond Love, Treasurer; Jeanne Furman, Secretary

Commissioners Present: Joseph DeMino, Donald Yee, Donald Taylor, John Balch, Mark Levi, Ramona McCarthy-Hawkins, Mayer Handelman, Margie Anne Bonnett

Staff Present: LaVerne Naesea, Executive Director; Shirley Costley, Licensing Unit Manager; Patricia Gaither, Administrative Services Manager; Christina Harvin, Legislative and Regulations Manager; Anna Jeffers, Legislative and Regulations Officer; Chandra Mouli, Pharmacist Compliance Officer; Tamarra Banks, MIS Manager; Colin Eversley, Compliance Investigator; Linda Bethman, Assistant Attorney General; Aiyana Waldron, Executive Secretary

Guests Present: Howard Schiff, MPHA; Stephen Riggan, CVS; John McGrath, PEAC

1. Record of Conflict of Interest

President Melvin Rubin called the Public Board Meeting to order at 9:05 a.m. Mr. Rubin asked Board Members if there were any conflicts of interest concerning the March 16, 2005 meeting. Raymond Love recused himself from the agenda item regarding the Memorandum of Understanding for the University of Maryland School of Pharmacy. Mr. Rubin then asked the guests to introduce themselves.

2. Minutes Corrections (2/16/05)

Page 2

Under New Space for the Board of Pharmacy, 2nd sentence, strike out the word “to” between the words “move “ and “into”

Under New Space for the Board of Pharmacy, 3rd sentence, make words “mean time” one word “meantime”

Page 3

1st Paragraph, 3rd sentence, change “appointments” to “appointment” and strike out the words “all of” between the words “status” and “for”

Under Staffing Issues, 1st sentence, strike out the word “to” between the words “request” and “for”

Under Staffing Issues, 4th sentence, strike out the words “the support” and replace with the words “in support of”

Under Staffing Issues, 4th sentence, add the words “which are needed” to the end of the sentence

Under PEAC, 1st sentence, replace the words “report for” with “report on”

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Under PEAC, 2nd paragraph, replace the words “non-Board referred case” to “non-Board referred cases”

Under PEAC, 2nd paragraph, 2nd sentence, add the word “to” between the words “Board” and “understand”

Page 4

Under PEAC, 1st Paragraph, 2nd sentence, strike out the words “and that they currently meet in the home of Mr. Tony Tommasello”

Page 5

Under Board Action, replace “Pharmacy Practice Committee” with “Legislative Committee”

Under Letter from OHCQ Regarding Discharge Orders, 3rd sentence, replace the word “provide” with “clarify”

Page 6

Under USP 797, 3rd sentence, replace the words “already to comply” with “already complying”

Under USP 797, 4th sentence, Capitalize the words “pharmacy” and “community”

Page 9

Under Emergency Preparedness, 1st paragraph, 6th sentence, strike out the word “an” between the words “be” and “station”

Under Emergency Preparedness, 1st paragraph, 7th sentence, strike out the words “packaging of” and replace with “repackaging”

Under Emergency Preparedness, 1st paragraph, 8th sentence, replace the word “pharmacist” with the word “pharmacists”

Page 10

Under Thomas C. Shern, 1st Board Action, add the words “based on State Government Article §10-508 (a) (13)” at the end of the sentence.

Board Action:

Donald Yee moved to approve the February 16, 2005 minutes as amended. The Board accepted the motion

President/ Executive Committee Report

MPJE Review

NABP is sponsoring a meeting of Board representatives from most states in order to review questions for the MPJE exam from June 3rd to June 5th. The Board has to provide 30 new questions to add to the question pool. Melvin Rubin suggested that Joseph

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DeMino attend the meetings. The Board agreed with Mr. Rubin's suggestion to send Mr. DeMino.

New Board Officers

Melvin Rubin informed the Board and public of the elected Board Officers that will begin their term in May 2005. The elected members are John Balch, President; Jeanne Furman, Secretary and Mark Levi, Treasurer.

Executive Director Report

Staffing

LaVerne Naesea reported on the House and Senate Budget hearings that she and Patricia Gaither attended to defend the Board's FY 2006 budget request. The budget analyst had recommended cutting the three new positions the Board of Pharmacy had requested to meet current and projected work demands. She added that the Senate had a lot of questions concerning the Pharmacy Technician Program, specifically regarding the minimum age requirement. Several committee members were concerned about the possibility of 16 year olds becoming technicians. Ms. Naesea said that the House Appropriations subcommittee subsequently recommended that the 3 new positions not be cut. Ms. Naesea is still awaiting a recommendation from the Senate Budget subcommittee.

Ms. Naesea announced the recent permanent hire of Ms. Linda Prince-Garrison as the new Compliance Specialist. She officially begins on March 16, 2005.

Building Space Meeting

Ms. Naesea met with the Board of Physicians and other boards who are interested in acquiring additional space in the Patterson Avenue building. The Board of Physicians is interested in the space currently occupied by the Board of Pharmacy. The state unit occupying space on the first floor will be vacating the area by the end of the summer. Ms. Naesea noted that this would be more than adequate space to move the Board of Pharmacy offices into.

Drug Therapy Management

The University of Maryland School of Pharmacy proposed an increase from \$25,000 to \$50,000 for evaluation of the Drug Therapy Management program. The increase is necessary due to the amount of data that will need to be collected over five years.

Board Action:

Donald Yee moved to accept the proposal as amended with the \$50,000 maximum. The Board accepted the motion.

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PEAC

John McGrath summarized the written report submitted regarding PEAC treatment statistics for February 2005 (attached). PEAC is planning three projects in the near future. Training will be held in September and will be expanded to include other health professions, including a nurse instructor who will teach nurses for continuing education credit. PEAC will also host a retreat, provide monitor training, and present at the MPHA meeting in Ocean City, MD. PEAC is looking to create an advisory committee that consists of a broad cross section of representatives that can give ideas on how to better PEAC. Finally, PEAC is developing a uniform progress report that could be shared with the Board's Compliance Unit on a regular basis.

John McGrath expressed a need for more monitors, especially when PEAC starts monitoring pharmacy technicians. Melvin Rubin requested that PEAC submit more information on non-Board referred cases in their reports to BOP. The Board is concerned about procedures for non-Board referred cases. John McGrath briefly explained that there are slight differences between Board referred and non-Board referred cases. However, PEAC deals with the cases the same way the Board deals with their cases. Mr. McGrath noted that if non-Board referred individuals are not compliant they are immediately reported to the Board of Pharmacy for further action. PEAC does not take custody of the pharmacist's licenses for legal reasons. PEAC recommends that they submit their license to a third party such as their attorney. Melvin Rubin suggested that a separate meeting be held with the Board and PEAC in order to discuss all concerns and suggestions.

Legislative and Regulations Manager Report

Legislation Status Chart

Christina Harvin summarized the Board of Pharmacy Legislation Status Chart, which listed the Board's position on recent proposed bills.

HB 65- Canadian Mail Order Plan- Letter of Concern

SB 24- Health Occupations-Practicing without a license- Penalties- (Bill was deemed unfavorable by the legislature)

HB 431- Companion to SB 24- Unfavorable and withdrawn from the legislature.

HB 113- Health Care Malpractice- Emergency Medical Care- Good Samaritan Immunity- Letter of Support with amendments

HB 114- Evidence- Health Care Malpractice- Certain Statements and Conduct- Letter of Support with Amendments

HB 115-Health Care Malpractice- Division of Lawyers' Fees- Prohibition- Letter of Support with Amendments

(The Office of Governmental Affairs advised the Board of Pharmacy to take a back seat on HB 113, 114, 115)

HB203- Income Tax Credit for Services Donated by Health Care Professionals- Letter of Support with Amendments

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HB 231- Prescription Drugs- Canadian Mail Order Plan- Letter of Concern

HB 233- Public Health- Legibility of Prescriptions Workgroup- Reports- Letter of Information (The interim report will be submitted July 1, 2005 and the final report will be submitted August 15, 2005)

SB 251- Task Force to Study Electronic Health Records- Letter of Support

HB 317- Prescription Drug Repository Program- Letter of Opposition due to issues with patient safety

SB 441- Medbank of MD, Inc. included- Letter of Opposition

SB 372- Crimes- Pseudoephedrine- Prohibitions- Letter of Education- (Bill was deemed unfavorable by the legislature)

HB 618- Registration of Pharmacy Technicians- Support with Amendments- Currently, there are still issues with getting an acceptable minimum age requirement. The Board has no problem with the minimum age requirement being between ages 16-18.

HB 735- Controlled Dangerous Substances- Schedule III and Schedule IV Substances- Prescriptions and Refills- Letter of Opposition

HB 835- Wholesale Prescription Drug and Device Distribution Protection and Licensing Act of 2005- Letter of Concern- The Board is concerned that a task this large should be handled by the federal government.

HB 1058- Pharmacy Benefit Managers Regulation Act of 2005- Letter of Support (The Office of Governmental Affairs is opposed to the bill due to the burden it may cause in the implementation process)

HB 1062- Health Insurance- Prescription Drug Coverage-Alternative-Drugs- Letter of Concern

New Flu Vaccine and Epipen

The Board will be addressing administration of the Flu Vaccination and Epipen through e regulations in the near future.

Administration and Public Support

Ms. Patricia Gaither summarized the Staffing Update as submitted in the March 16, 2005 Public Board packet.

Newsletter

The newsletter has been sent to the printer for its first draft. Ms. Patricia Gaither asked the Board to try to submit articles more timely in the future. Jeanne Furman asked the Board to become more involved in the newsletter after Melvin Rubin's term is completed.

Flower Mart

Ms. Gaither mentioned that the Board of Pharmacy could use all the volunteers it can get for the Flower Mart. Jeanne Furman will be providing supplies for the Flower Mart.

Emergency Preparedness Drill

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Melvin Rubin updated the Board on the current status of the Emergency Preparedness Drill that will take place on Saturday, March 19, 2005. Forty-five pharmacists are expected to participate in the drill. There will be a short overview of the drill for pharmacists and volunteer “patients”. There will then be actual “hands on” exercises to act out possible scenarios in the event of an actual emergency.

Management Information Services

The Board reviewed the FY 2005 Internet Statistics for February 2005.

In-house database System

Tamarra Banks summarized the Memorandum of Understanding that is being developed between the Board and Towson State University to develop an in-house database system that will take the Board off the State’s mainframe computer in Annapolis. This will enable the Board to have more control of the data variables and to organize data for its specific needs.

Pharmacy Practice Committee

Long Term Care Committee - OHCQ and the Board of Pharmacy Joint Letter

John Balch submitted a copy of the final draft of the letter regarding accurate communication in patient discharge orders between Healthcare facilities. The Board will review and approve the letter at a later date.

Nurse Dispensing Formulary

Don Yee reviewed the recent list of drugs submitted for inclusion on the Nurse Dispensing Formulary and recommended that two drugs be excluded from the list. The drugs that should be excluded are Buprenorphine and Clindamycin. Both drugs have the potential of producing dangerous side effects. Board members agreed with the recommendation.

Hospital Inspection Form Committee

Jeanne Furman noted that the Peer Review Committee assigned to revise and update the Hospital Inspection Form is in the process of developing a new pre-inspection and inspection form for hospital/institutional pharmacies and will incorporate recommendations from the Board’s USP 797 task force when they are completed.

Licensing Committee

Joseph DeMino reviewed the Licensing Unit Statistics report for the Board.

Reciprocity Candidates

Three (3) reciprocity candidates have met Board requirements and they are as follows: Syed R. Hasan; Alison K. Cho; and Surendra Rudraraju.

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Board Action

The Board approved the three candidates for reciprocity

Reciprocity Candidate with Disciplinary Action

Ms. Shirley Costley reviewed the request for reciprocity from Mr. Robert Alleavitch. Mr. Alleavitch had a disciplinary action from the Nevada pharmacy board after he mixed up two prescription labels. The incident took place in 2001 and Mr. Alleavitch paid the fine he was charged for the incident.

Board Action

Donald Yee moved to accept Mr. Alleavitch for reciprocity. The Board accepted the motion.

Application for Distribution Permit-Community Pharmacy

Board Action

Donald Taylor moved to approve Community Pharmacy's permit

FPGEC State Waivers

Some foreign candidates have requested the Board to waive NABP's Foreign Pharmacy Graduate Equivalence Certification (FPGEC) program requirement for the Test of Spoken English (TSE). The candidates feel that there is a problem with the assessment or the standard established by NABP. The Licensing Committee suggested that the Board inform the candidates that the Maryland Board of Pharmacy follows NABP guidelines and criteria for FPGEE certification.

Board Action

Donald Yee motioned to accept the current standards set by NABP. The Board accepted the motion.

Board Action

Mel motioned for the approval of minutes and Ramona second the motion. The Board accepted the motion.

Disciplinary Committee

Regularly Scheduled Hearings Days

Mr. Mouli described the difficulty experienced in scheduling CRC's and hearings. The Board agreed to reserve the 4th Thursday of each month on their calendars for possible hearings and other disciplinary actions. Linda Bethman will inform the Office of the Attorney General of this decision.

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The March 16, 2005 public meeting was adjourned at 11:44 p.m.